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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,278	08/09/2000	RICHARD A. BAKER	SAA-34-1	4938

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SQUARE D COMPANY
 INTELLECTUAL PROPERTY DEPARTMENT
 1415 SOUTH ROSELLE ROAD
 PALATINE, IL 60067

EXAMINER

BRANCOLINI, JOHN R

ART UNIT	PAPER NUMBER
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2153

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DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,278

Applicant(s)

BAKER, RICHARD A.

Examiner

John R Brancolini

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 6, 16, 19, 23, 29, 33, 36 and 46 is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7, 9, 17, 18, 20-22, 30, 32, 34, 35, 37, 39 is/are rejected.
- 7) ☒ Claim(s) 8, 10-15, 24-28, 31, 38, 40-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is in response to Amendment B filed April 12, 2004.

Claims 1-46 are still pending in the application.

Claim Objections

Objections to claims 3, 6, 16, 19, 23, 29, 31, 33, 36 and 46 are withdrawn due to applicant's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7, 9, 17-18, 20-22, 30, 32, 34-35, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al. (US Patent 6038486), hereinafter referred to as Saitoh, in view of Steen, III et al. (US Patent 6510350), hereinafter referred to as Steen.

In regards to claim 1, Saitoh discloses a system for programming an application program controlling a factory automation device on a communication network, comprising:

- A programming device operably connected to the communication network (a personal computer acts a programming device, and is connected to a communication network, see Fig. 1, also aol 2 lines 39-56).
- A program package embedded in the programming device, the program package for creating and editing the application program (Fig 2 shows a PC with a browser installed to create and edit control programs).
- At least one web page resident on the programming device and operably connected to the program package, wherein the web page is accessible to a user using a web browser to edit the application program controlling the factory automation device (Fig 2 shows a communication network where the system transfers information via HTML encoding, where the user at PC 3 access the information in a web page on a web browser).

Saitoh, however, fails to disclose the factory automation device is a controller.

Steen discloses a system of remote data access and control that discloses the automation device is a controller (col 15 example 2, step 8 in particular points out a user accessing a controller from a remote location, changing parameters on the controller, and the controller responding by altering the automation process). Steen shows this is a convenient alternative to an automation system as it allows a user to manipulate a controller from a remote location.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Saitoh the factory automation device is a controller as taught by

Steen to provide a convenient alternative to an automation system as it allows a user to manipulate a controller from a remote location.

In regards to claim 2, Saitoh discloses the web browser is resident within the programming device (Fig 2 shows the browser resident within the programming device, see response to remarks section below for more discussion).

In regards to claim 4, Saitoh discloses the application program is viewed as an at least one file within the programming device, accessible on the communication network using a standard File Transfer Protocol (results as well as new sets of instructions are created as a file that is transferred between the programming device and the control server, col 3 lines 42-52).

In regards to claim 5, Saitoh discloses the application program is converted by the program package and viewed on the web browser through either Java or HTML (the files are configured to HTML for viewing on a personal computer at a specific URL, col 3 lines 35-42).

In regards to claim 7, Saitoh discloses the factory automation device is a programmable logic controller (one possible programmable device is a logic controller, Fig 1 item 2, also col 2 lines 42-48).

In regards to claim 9, Saitoh discloses the communication network is Ethernet (a LAN is present, as well as the Internet which are both linked bus networks, or Ethernet examples, see Fig 1).

In regards to claim 17, Saitoh discloses a system for programming an application program controlling a factory automation device on a communication network, comprising:

- Means for coupling the factory automation device to the communication network (a personal computer acts a programming device, and is connected to a communication network, see Fig. 1, also aol 2 lines 39-56).
- Means for editing the application program resident in a programming device (Fig 2 shows a PC with a browser installed to create and edit control programs).
- An at least one Web page resident in the programming device, the Web page linked to the editing means resident in the programming device, wherein the Web page is accessible to a user using a web browser coupled to the communication network through the coupling means, and wherein the Web page allows the user to access the editing means to edit the application program controlling the factory automation device (Fig 2 shows a communication network where the system transfers information via HTML encoding, where the user at PC 3 access the information in a web page on a web browser).

Saitoh, however, fails to disclose the factory automation device is a controller.

Steen discloses a system of remote data access and control that discloses the automation device is a controller (col 15 example 2, step 8 in particular points out a user accessing a controller from a remote location, changing parameters on the controller, and the controller responding by altering the automation process). Steen shows this is a convenient alternative to an automation system as it allows a user to manipulate a controller from a remote location.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Saitoh the factory automation device is a controller as taught by Steen to provide a convenient alternative to an automation system as it allows a user to manipulate a controller from a remote location.

In regards to claim 18, Saitoh discloses the web browser is resident within the programming device (Fig 2 shows the browser resident within the programming device).

In regards to claim 20, Saitoh discloses the communication network is Ethernet (a LAN is present, as well as the Internet which are both linked bus networks, or Ethernet examples, see Fig 1).

In regards to claim 21, Saitoh discloses the application program is viewed as files within the programming device, accessible to the communication network using a standard File Transfer Protocol (results as well as new sets of instructions are created

as a file that is transferred between the programming device and the control server, col 3 lines 42-52).

In regards to claim 22, Saitoh discloses the editing means includes a program package whereby the application program is converted by the program package and viewed as either Java or HTML (the files are configured to HTML for viewing on a personal computer at a specific URL, col 3 lines 35-42).

In regards to claim 30, Saitoh discloses a method of programming an application program for controlling a factory automation device operably connected to a communication network, the method comprising the steps of:

- Providing a programming device for accessing the application program (a personal computer acts a programming device, and is connected to a communication network, see Fig. 1, also col 2 lines 39-56).
- Viewing the application program using a web browser operably connected to the programming device (Fig 2 shows a PC with a browser installed to view control programs).
- Editing the application program via a program package resident in the programming device (Fig 2 shows a PC with a browser installed to create and edit control programs).

Saitoh, however, fails to disclose the factory automation device is a controller.

Steen discloses a system of remote data access and control that discloses the automation device is a controller (col 15 example 2, step 8 in particular points out a user accessing a controller from a remote location, changing parameters on the controller, and the controller responding by altering the automation process). Steen shows this is a convenient alternative to an automation system as it allows a user to manipulate a controller from a remote location.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Saitoh the factory automation device is a controller as taught by Steen to provide a convenient alternative to an automation system as it allows a user to manipulate a controller from a remote location.

In regards to claim 32, Saitoh discloses the web browser is resident within the programming device (Fig 2 shows the browser resident within the programming device).

In regards to claim 34, Saitoh discloses the application program is viewed as an at least one file within the programming device, accessible on the communication network using a standard File Transfer Protocol (results as well as new sets of instructions are created as a file that is transferred between the programming device and the control server, col 3 lines 42-52).

In regards to claim 35, Saitoh discloses the application program is converted by the program package and viewed on the web browser through either Java or HTML (the

files are configured to HTML for viewing on a personal computer at a specific URL, col 3 lines 35-42).

In regards to claim 37, Saitoh discloses the factory automation device is a programmable logic controller (one possible programmable device is a logic controller, Fig 1 item 2, also col 2 lines 42-48).

In regards to claim 39, Saitoh discloses the communication network is Ethernet (a LAN is present, as well as the Internet which are both linked bus networks, or Ethernet examples, see Fig 1).

Allowable Subject Matter

Claims 3, 6, 16, 19, 23, 29, 33, 36, 46 are allowed.

Claims 8, 10-15, 24-28, 31, 38, 40-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

The applicant presents the following arguments:

1. "Claims 1, 17, and 30, as amended, are limited to controller, and thus are not anticipated by Saitoh" (Page 12 of Amendment B).

2. "Claims 2, 18, and 32 are further distinct from Saitoh in that they require the combination of the programming device and the web browser in the same device" (Page 12 of Amendment B).
3. "Claims 8 and 38 have been revised to cover output modules. Saitoh's inspection machines are input only devices" (Page 12 of Amendment B).
4. "Claims 10 and 40 call for an interface module for connecting the programming device to the communications network"... "Because this structure is not present, claims 10 and 40 cannot be anticipated by Saitoh.

In regards to argument 1, the examiner agrees with applicant as to the application teaching away from Saitoh by limiting the invention to factory automation controllers, and not factory automation devices. However, as seen in the discussions of claims 1, 17, and 30 above, Steen (col 15 example 2), teaches in step 8 the system making changes to a set of parameters by an automation controller, thereby allowing the system to remote edit and control automation controllers. Therefore, Saitoh in view of Steen as interpreted by the examiner renders this argument moot.

In regards to argument 2, the examiner respectfully disagrees with applicant. Claims 2, 18, and 32 state "The system of claim 1 wherein the web browser is resident within the programming device". In claim 1, the examiner has defined the programming device to be a personal computer connected to the communication network, as shown by Saitoh. On this personal computer resides means for creating and editing the automation parameters of the factory system, the application program being accessed

via the web through a web page. Also, the computer contains a web browser, user by the computer, or programming device, to access the program package.

In regards to argument 3, the examiner agrees with applicant as to the application teaching away from Saitoh by limiting the invention to cover output modules only. The examiner withdraws rejection on claims 8 and 38 due to the amending of the claims.

In regards to argument 4, the examiner agrees with applicant as to the application teaching away from Saitoh by the inclusion of a detailed interface module. The examiner withdraws rejection on claims 10 and 40, and the subsequent dependent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JRB


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100